

REMARKS/ARGUMENTS

Entry of this response and reconsideration and allowance of the above-identified patent application are respectfully requested. Please note that an information disclosure statement (IDS) was submitted with the response filed on April 18, 2006. The Examiner is respectfully requested to consider and initial the cited references.

A Request for Continued Examination is submitted herewith.

Claims 1-11 and 18-29 are pending. By this amendment, claims 1, 18, and 23 are amended. No claims have been added. No claims are canceled. No new matter is added.

Applicant respectfully submits that, upon entry of the subject amendment, the application will be in condition for allowance. Applicant, thus, respectfully requests consideration of the above amendment and following remarks.

Claims 1-11 and 18-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Appl. Pub. No. 2002/0066097 to Hattori et al. ("Hattori ") in view of U.S. Appl. Pub. No. 2001/0001160 to Shoff ("Shoff"). Applicant respectfully traverses the rejection.

Applicant would like to thank Examiner Lonsberry for conducting a telephonic interview with Applicant's representative. Examiner Lonsberry and Applicant's representative discussed the disclosure of the prior art, the independent claims, and potential amendments to the claims. Examiner Lonsberry indicated that the potential amendment would include limitations not found in the prior art relied upon, but further indicated that an additional search may be necessary. In summary, the interview was helpful in progressing the prosecution of the present application.

As discussed during the interview, independent claims 1, 18, and 23 have been amended to include the limitation, or a variation thereof, "wherein the advertising icon is representative of a company or product." This limitation is supported in the specification at page 5, lines 12-13, and elsewhere.

During the interview, the Examiner indicated that the limitation (previously added) that is directed to the icon not being selected based on the subject matter of the television program was not helpful in distinguishing the claimed invention from

the prior art. Consequently, that limitation has been deleted from independent claims 1, 18, and 23, as discussed during the interview.

Claims 1-11 and 18-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hattori in view of Shoff. The Office Action concedes that Hattori fails to disclose "storing icons and associated advertising information on a server connected to the global computer network." Office Action at page 6. The Office Action relies on paragraphs 6 and 35-38 of Shoff for this teaching.

Shoff fails to teach or suggest this claim limitation. Paragraph 6 of Shoff refers generally to interactive content and does not mention icons. Paragraphs 35-38 of Shoff provide a description of an enhanced content server, and a general discussion of Hypertext and hyperlinks. This discussion is a pre-cursor to the discussion of Figure 3 (at paragraph 39), which describes a data structure used by the EPG database that includes hyperlinks associated with each program. Shoff at para. 39. There is, however, no teaching of storing advertising icons on the server as claimed. In addition, there is no teaching of transmitting icons via the internet as claimed.

In addition, independent claims 1, 18, and 23 have been amended to include the limitation, or a variation thereof, "wherein the advertising icon is representative of a company or product." Shoff discloses using an icon to visually alert the viewer that the program is interactive as illustrated by icon 204 of Figure 8a and step 162 of Figure 6 (Display Icon Indicating Interactive). See also paragraphs 16 and 60. Thus, the icons displayed in Shoff are simply to alert the viewer that the program is interactive and are not representative of a product or company as claimed. Consequently, while Shoff discloses an icon, Shoff fails to disclose use of an advertising icon that is representative of a company or product as claimed.

In summary, in combination with the other claim elements the prior art relied upon fails to teach or suggest storing icons on a server connected to the Internet and transmitting the advertising icons via the internet, wherein the advertising icons are each representative of a company or a product as required by claim 1 and similarly by claims 18 and 23.

Applicant therefore respectfully submits that independent claims 1, 18 and 23 are patentable over the prior art. In addition, because a claim that is dependent from

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a patentably distinct claim is also patentably distinct, Applicant respectfully requests allowance of claims 2-11 and 29, which depend from claim 1, claims 19-22 and 28, which depend from claim 18, and claims 24-27, which depend from claim 23.

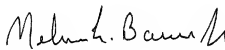
In view of the foregoing, it is respectfully submitted that the claimed invention is patentably distinguished over the asserted prior art references and that the application stands in condition for allowance. It is respectfully requested that the application be reconsidered, that all pending claims be allowed, and that the application be passed to issue.

CONCLUSION

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact Mel Barnes at (301) 581-0081, to discuss any other changes deemed necessary in a telephonic interview.

Authorization is hereby granted to charge any deficiencies in fees, including any fees for extension of time under 37 C.F.R. §1.136(a), to Deposit Account 50-3970. Please credit any overpayment in fees to the same deposit account.

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